

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA**

**EMILY C. KELLINGTON,**

**Plaintiff,**

**v.**

**BAYER HEALTHCARE  
PHARMACEUTICALS INC.,**

**Defendant.**

**Case Number: 5:14-CV-00002-MFU**

***ELECTRONICALLY FILED***

**BAYER HEALTHCARE PHARMACEUTICALS, INC.'S CROSS-NOTICE OF VIDEO  
DEPOSITION OF MARTY GRILL**

PLEASE TAKE NOTICE that the deposition of Marty Grill will be taken before a certified court reporter commencing at 9:00 a.m. (Local Time), on January 23, 2015 at the Law Offices of Goldman Ismail Tomaselli Brennan & Baum LLP, 564 West Randolph Street, Suite 400, Chicago, IL 60661. Said deposition will also be recorded on videotape. A copy of the Notice of Deposition for the deponent is attached hereto as Exhibit A.

PLEASE TAKE FURTHER NOTICE that Defendant, Bayer Healthcare Pharmaceuticals, Inc., hereby cross-notices this deposition for any and all purposes permitted by the Federal Rules of Civil Procedure and the Rules of the MDL Court and any other local rules that apply to this action. Defendant, Bayer Healthcare Pharmaceuticals, Inc., further states that this deposition shall be conducted in accordance with and subject to any and all Protective Orders entered (or to be entered in this case), along with any and all Protective Orders entered in *In Re: Mirena IUD Product Liability Litigation*, pending in the United States District Court, Southern District of New York, MDL Docket Number 2434 and entered in *In Re: Mirena Litigation*, Case No. 297

pending in the Superior Court of New Jersey, Bergen County. All objections and responses, which have been or shall be served by Defendant in response to Plaintiffs' Notice of Video Deposition of Marty Grill, are hereby incorporated by reference into this Cross-Notice of Video Deposition. Defendant specifically incorporates the Responses and Objections to Plaintiffs' Notice of Video Deposition of Marty Grill attached hereto as Exhibit B.

All participants are bound by the Protective Orders entered in this litigation. Please be advised that in order to comply with European Data Privacy Laws, including, but not limited to, the German Federal Data Protection Act, the Finnish Data Protection Act, the Constitution of Finland, and the Finnish Act on the Protection of Privacy in Electronic Communications, counsel in cases pending outside of the consolidated Federal MDL and consolidated New Jersey Litigation may need to be excluded from certain portions of the deposition to the extent the witness is asked to reveal information concerning confidential personal data as those terms are defined under European Privacy Laws or is shown or referred to documents that were obtained from foreign Bayer entities. Before the deposition begins, all participants must also state their name for the record and receive confirmation from the court reporter that they have been identified.

You are invited to appear and examine the witness, either in person or via telephone. The call-in information is as follows:

Phone: 1-888-204-5987

Conference Code: 3869822

Dated: **January 13, 2015.**

Respectfully submitted,

s/ Christopher M. Corchiarino

Christopher M. Corchiarino, VA Bar #48193

Thomas J. Cullen, Jr., *pro hac vice*

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*Attorneys for Defendant Bayer Healthcare  
Pharmaceuticals Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing **CROSS-NOTICE OF VIDEO DEPOSITION OF MARTY GRILL** has been forwarded to all counsel of record via the Court's electronic filing system and/or by placing same in the U.S. Mail, postage prepaid and properly addressed on this **13<sup>th</sup> day of JANUARY 2015**.

Respectfully submitted,

s/ Christopher M. Corchiarino

Christopher M. Corchiarino, VA Bar #48193

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